

Proposed Marine, River and Lake Facilities Bylaw 2017





The Council is consulting on a proposed replacement bylaw to regulate marine, river and lake facilities.

The current bylaw (the Marine and River Facilities Bylaw 2008) has been reviewed, and the proposed new bylaw would revoke and replace it.

The proposed replacement bylaw:

- covers Council marine, river and lake facilities that provide access to the water or over the water (such as wharves, jetties, boat ramps and associated areas or structures)
- regulates activities that may occur on, near or around the facilities
- seeks to balance recreational and commercial use and access
- aims to prevent damage to the facilities, to protect health and safety, and to reduce nuisance.

Bylaw purpose

The purpose of the proposed replacement bylaw is to facilitate the fair and safe use of, and access to, Council marine, river and lake facilities (including those around the estuary), and to protect them from damage.



Have your say

Your views on the proposed new Marine, River and Lake Facilities Bylaw 2017 are important to us, and we encourage you to make a submission. Anyone can make a submission on any aspect of the proposals.

Written submissions can be made to the Council up until 5pm on Sunday 6 August 2017.

You can make a submission by:

- ➔ Visiting the Council's Have Your Say webpage ccc.govt.nz/HaveYourSay and filling out the submission form online.
- ➔ Emailing your submission to Marine.Bylaw@ccc.govt.nz
- ➔ Hand-delivering a written submission to the Civic Offices at 53 Hereford Street.
- ➔ Posting a written submission to:
Freepost 178 (*no stamp required*)
Marine, River and Lake Facilities Bylaw Consultation
Christchurch City Council
PO Box 73013
Christchurch 8154
- ➔ Filling out the submission form at the back of this booklet.

Please make sure you include your full name and address with your submission (the Council cannot accept anonymous submissions).

Please also let us know:

- if you would like to be part of the public hearings process
- if you are making a submission as an individual or as part of an organisation
- if you are submitting a supporting petition.

For more information about making a submission, please refer to the back of this booklet.

Copies of this consultation booklet are available:

- online via the Council's website: ccc.govt.nz/HaveYourSay
- by phoning the Council on (03) 941 8999 or 0800 800 169
- at Civic Offices, 53 Hereford Street, Christchurch
- at all Council libraries and customer service desks.

If you have any questions, contact the Council on the number above or email Marine.Bylaw@ccc.govt.nz.

Changes between the proposed bylaw and the current bylaw

In summary, the changes from the current bylaw are:

- **Commercial use of facilities:** Still requires permission from the Council. Extends the definition to include hiring of equipment that utilises facilities, and to ensure all other known commercial activities are included.
- **Vehicles on wharves:** Moves to place tighter controls on vehicle use to balance commercial and recreational/pedestrian access, and to ensure alignment with structural tolerances. Vehicles are only allowed if 'actively involved' in servicing a business or undertaking maintenance. Vehicles cannot be left unattended on a wharf.
- **Time limits and attendance requirements for mooring vessels:** Moves to place tighter controls on mooring at the four busiest wharves to balance commercial and recreational access (Akaroa, Daly's, Wainui and Diamond Harbour Wharves). Places time limits on mooring to access points (one hour, and only when actively using the access point), and mooring to wharves generally (two hours), for the four busiest wharves. Retains the requirement that vessels must be attended when moored at any wharf or jetty. Allows exceptions with written approval.

The new areas of coverage for the proposed replacement bylaw are:

- **Organised events:** Requires anyone wanting to undertake an organised competition, lesson, club or training event that utilises a facility to get permission from the Council, if that use is likely to reduce access for the general public, or raise any health and safety issues due to the anticipated participant or supporter numbers. Similar to a clause in the Parks and Reserves Bylaw. Health and safety, prevent damage, balance fair use.
- **Signage at facilities:** Requires permission to advertise or otherwise display signage in connection with a facility. To prevent obstructions, protect health and safety, prevent damage (from affixing to facilities). Also to avoid proliferation. Links to commercial activities and to organised events. Also to coordinate signage from other regulators.
- **Refuelling:** Requires those refuelling to take all reasonably practicable steps to ensure it does not endanger facility users or contaminate or damage the facility. Requires written permission to refuel a vessel for commercial purposes. Protects health and safety, protects facilities from damage.
- **Storage at facilities:** Increased clarity by expanding the current clause on obstruction to cover storage in, on, around or near facilities. Aligns with a similar clause in the Parks and Reserves Bylaw. Storage restriction linked to obstruction or health and safety concerns.
- **Closing or restricting access to facilities:** To prohibit public access when the Council has closed a facility (e.g. due to structural damage) and has put up signage. Allows access for assessments, repairs and maintenance. Protect health and safety.
- **Damage:** New clause to prevent damage. Similar to a clause in Parks and Reserves Bylaw.
- **Fishing from facilities and no fishing zones:** New requirements when fishing from a facility, and new ability to create 'no fishing zones' to protect health and safety, against nuisance and to protect facilities from damage. Proposes a 'no fishing zone' in the Central City (from facilities, not the riverbank as a whole).
- **Permissions:** New section to cover all permissions required under the bylaw.

There are no substantial changes to the coverage of:

- **Size of vessels (mooring):** Remains 10 metres for vessels and 15 metres for yachts, or permission.

- **Adverse weather conditions:** No mooring if it could cause damage.
- **Obstruction of facilities:** Continues to prevent obstructing reasonable access to facilities.

Other impacts

Any approvals, agreements, licences, leases or permissions will continue under the new bylaw, but will need to be looked at to see whether they align with the new bylaw, or whether there will need to be some changes or updates.

What the bylaw does not cover

The bylaw does not cover maintenance or repairs. The allocation of money for maintenance is part of the Council's annual and long term planning decision-making process.

Activities on the water (such as boat safety, life jackets, boating lanes and speed limits) are regulated by the Canterbury Regional Council, Environment Canterbury (ECan), via the Harbour Master. Details can be found in ECan's Navigation Safety Bylaw 2016.

Lyttelton Port of Christchurch (LPC) land, operational areas and activities are excluded from the bylaw's coverage as they are covered by port-related legislation.

The bylaw does not cover privately owned facilities.

Limits to what the bylaw can cover

The coverage of this bylaw is limited by the bylaw-making powers in the Local Government Act 2002.

The relevant powers allow councils to make bylaws to:

- protect the public from nuisance (section 145(a))
- protect, promote, and maintain public health and safety (section 145 (b)), and
- manage, regulate against, or protect from, damage, misuse, or loss, or for prevent the use of, the land, structures, or infrastructure associated with... land under the control of the territorial authority (section 146(b)(vi)).

Share your views with us

Your views on the proposed Marine, River and Lake Facilities Bylaw are important to us, and we encourage you to share your views with us. Anyone can make a submission on any aspect of the bylaw. Written submissions can be made to the Council up until 5pm on Sunday 6 August 2017.

If you would like any further information the following documents are also available by visiting Council's Have Your Say website: ccc.govt.nz/have-your-say/

- the consultation information and proposed replacement bylaw
- the bylaw that would be revoked by the replacement bylaw
- the Council report adopting the proposed replacement bylaw for consultation

Timelines

- Submissions close 6 August 2017
- The date of hearings is yet to be confirmed but is expected around late October 2017
- The Council will consider all submissions, make a decision and let submitters know the outcome
- A new bylaw may be in place in time for summer.

Proposed Marine, River and Lake Facilities Bylaw 2017

Pursuant to the Local Government Act 2002, the Christchurch City Council makes this bylaw.

Contents

1. SHORT TITLE AND COMMENCEMENT	6
2. PURPOSE	6
3. COVERAGE AND EXCLUSIONS	6
4. INTERPRETATION	6
5. USE OF FACILITIES FOR COMMERCIAL PURPOSES OR ORGANISED EVENTS	6
6. SIGNAGE FOR COMMERCIAL PURPOSES, ORGANISED EVENTS OR OTHER PURPOSES	7
7. VEHICLES ON WHARVES AND JETTIES	7
(A) CONTROLS ON ALL VEHICLES ON WHARVES AND JETTIES	7
(B) AUTHORISED VEHICLES ON WHARVES	7
8. MOORING VESSELS AT WHARVES OR JETTIES	7
(A) LOCATION, TIME LIMITS AND ATTENDANCE REQUIREMENTS	7
(B) SIZE OF VESSELS	8
(C) ADVERSE WEATHER CONDITIONS	8
9. REFUELLING VESSELS FROM FACILITIES	8
(A) GENERAL REQUIREMENTS FOR REFUELLING A VESSEL FROM A FACILITY	8
(B) REFUELLING A COMMERCIAL VESSEL FROM A WHARF	8
10. OBSTRUCTION OF FACILITIES	8
(A) OBSTRUCTION OF ACCESS TO FACILITIES	8
(B) STORAGE IN, ON, AROUND OR NEAR FACILITIES	8
11. CLOSING OR RESTRICTING ACCESS TO FACILITIES	9
12. DAMAGE TO FACILITIES	9
13. FISHING FROM A COUNCIL FACILITY	9
14. NO FISHING ZONES	9
15. PERMISSION UNDER THIS BYLAW	9
16. FEES	10
17. OFFENCE AND PENALTY	10
18. CHRISTCHURCH CITY COUNCIL GENERAL BYLAW	10
19. REVOCATIONS AND SAVINGS	10

1. SHORT TITLE AND COMMENCEMENT

- (1) This bylaw is the [proposed] Christchurch City Council Marine, River and Lake Facilities Bylaw 2017. This bylaw comes into force on [date] 2017.

2. PURPOSE

- (1) The purpose of this bylaw is to facilitate the fair and safe use of, and access to, Council marine, river and lake facilities (including those around the estuary), and to protect them from damage.

3. COVERAGE AND EXCLUSIONS

- (1) This bylaw applies to Council structures or facilities that provide access to the water (such as wharves, jetties, boat ramps and slipways), and associated access points (such as ramps, steps, ladders and pontoons). It also applies to related structures or facilities (including storage areas, buildings, refuelling facilities, and associated car-parking or manoeuvring areas).
- (2) This bylaw does not cover:
- (a) privately owned facilities
 - (b) maintenance or repair of the facilities
 - (c) Council sea walls
 - (d) Council boardwalks and viewing platforms, unless they are alongside or partially in a river or lake
 - (e) activities on the water, such as boat safety or speed limits (these are covered by the Canterbury Regional Council Navigation Safety Bylaw 2016)
 - (f) anything relating to water quality or pollution
 - (g) any facilities, structures, or land, owned or operated by Lyttelton Port of Christchurch (whether open to the public or not).

4. INTERPRETATION

- (1) Text in this bylaw that is in grey italics (*italics*) is not part of the bylaw, but is explanatory in nature, and the Council may update or delete this text at any time without amending the bylaw.

Explanatory note: Explanatory notes are used for a number of reasons, including to explain the intent of a clause in less formal language, to include additional helpful information, or because the information may be subject to change and need to be updated before the bylaw itself has to be updated.

- (2) In this bylaw, unless the context otherwise requires:

ACCESS POINTS are those parts of the facility that have been designed to allow access from the wharf or jetty to vessels on the water, and vice versa, and include steps, ladders, ramps and pontoons

AUTHORISED OFFICER means an officer or other person appointed by the Council to perform duties or give permissions under this Bylaw

AUTHORISED VEHICLE means a vehicle:

- (a) associated with a commercial activity that has permission from the Council to operate in relation to a wharf, or
- (b) associated with the servicing of a wharf or any associated structure, equipment or machinery, or

- (c) any other vehicle that has written permission for wharf access.

COMMERCIAL PURPOSES means:

- (a) any charter operation involving carrying fare-paying passengers for profit or reward (including for transport, tourism, recreation or fishing purposes), or
- (b) any commercial fishing operation, or
- (c) sale or advertising of goods, services or events, or
- (d) hire or rental of equipment that utilises Council facilities, such as for launching or landing.

COUNCIL means the Christchurch City Council

FACILITY means any marine, river, lake, estuary-based Council owned or controlled structure or facility that:

- (a) provides access to the water, including, but not limited to: wharves, jetties and pontoons; slipways and boat ramps; steps and ladders; or
- (b) is associated with providing access to the water, including, but not limited to: car parking or manoeuvring areas; shelter or storage buildings or areas; and refuelling facilities.

JETTY means a structure similar to, but smaller than, a wharf. This will usually be a platform built on piles in a river or lake, or in the sea, that provides access to the water.

Explanatory note: Whether currently accessible or not, jetties in the district include: Akaroa Recreation Ground Jetty West, Akaroa Recreation Ground Jetty East, Charteris Bay Jetty, Church Bay Jetty, Corsair Bay Jetty, Drummonds Jetty, Duvauchelle Jetty, French Farm Boating Club Jetty, Little Akaloa Jetty, Lyttelton Public Ramp Jetty, Purau Jetty, Redcliffs Jetty, South New Brighton Park Jetty, Takamatua Jetty, Tikao Bay Jetty, and Wainui Finger Jetty, as well as river and lake jetties.

SERVICING generally means the loading and unloading of goods or equipment, or the maintenance of structures, machinery or equipment

VESSEL means, but is not limited to: boats, ships, tenders, barges, yachts, dinghies, jet skis, canoes, kayaks, windsurf boards, and kite boards, and includes any other watercraft:

- (a) whether propelled by motor, wind or other means; and
- (b) intended for use on the water; and
- (c) that carries a person or people.

WHARF means a structure similar to, but generally larger, stronger and higher than, a jetty.

Explanatory note: Whether currently accessible or not, wharves in the district include: Akaroa Wharf, Daly's Wharf, Diamond Harbour Wharf, Old Duvauchelle Wharf, Governor's Bay Wharf, Little Akaloa Wharf, Pigeon Bay Wharf, Port Levy Wharf, Gallipoli Wharf (Rapaki), Robinson's Bay Wharf, and Wainui Wharf.

5. USE OF FACILITIES FOR COMMERCIAL PURPOSES OR ORGANISED EVENTS

- (1) No person may use a facility for commercial purposes without the prior written permission of an Authorised Officer.
- (2) No person may use a facility for an organised competition, lesson, club or training event without the prior written permission of an Authorised Officer, if that use may be

reasonably likely to:

- (a) result in the exclusive use of a facility and prevent or reduce access for the general public; or
 - (b) give rise to any health and safety issues resulting from anticipated participant or supporter numbers.
- (3) A permission given under clause 5(1) or 5(2) of this Bylaw may contain conditions, and may set out, among other things:
- (a) the hours, days or dates within which an operator or organiser intends to utilise the facility;
 - (b) the location (or part of a facility) that will be used;
 - (c) limitations on access to the facility and requirements about vacating the facility;
 - (d) information on any signage relating to the commercial activity or organised event under clause 6 of this Bylaw;
 - (e) any other conditions that must be adhered to; and
 - (f) the payment of fees.

Explanatory note: See later clause on permissions under this bylaw (clause 15).

6. SIGNAGE FOR COMMERCIAL PURPOSES, ORGANISED EVENTS OR OTHER PURPOSES

- (1) No person may install or display signage in, on or affixed to a facility, near a facility, or in relation to the use of a facility, without the prior written permission of an Authorised Officer.

Explanatory note: The general principles applying to signage and advertising in, on or around facilities are:

- signage may not unreasonably obstruct or otherwise endanger facility users
- signage for an ongoing situation may need to be removed regularly, and only be displayed while the activity or event is taking place or being offered
- signage should not damage the facility
- signage should be kept in good order
- signage must comply with other regulatory requirements (such as the applicable district plan).

Regulatory signs from other organisations must also have permission before being installed. This is so that unnecessary proliferation can be avoided, and coordination can occur, where appropriate/possible.

- (2) Unauthorised signage in, on, around or near facilities may be removed at the discretion of an Authorised Officer.

Explanatory note: Generally, land around or near facilities will be land under the control of the Council (often, for example, reserve land). A similar clause is contained within the Parks and Reserves Bylaw.

7. VEHICLES ON WHARVES AND JETTIES

(A) CONTROLS ON ALL VEHICLES ON WHARVES AND JETTIES

- (1) No person may drive or park a motor vehicle on a jetty.
- (2) No person may drive or park a motor vehicle on a wharf, unless:
 - (a) the wharf is structurally sound for vehicle use; and
 - (b) the vehicle is an Authorised Vehicle; and
 - (c) the vehicle is either:
 - (i) below the gross laden weight listed on a Council sign affixed to the wharf; or
 - (ii) the vehicle has been given written permission by an Authorised Officer based on a specific vehicle-to-structure assessment.

Explanatory note: Wharves that are structurally sound for vehicle use are subject to change over time, depending on structural assessments. The current structural allowances are:

- Akaroa and Diamond Harbour Wharves can accommodate vehicles up to 3,500kg gross laden weight
- Akaroa and Diamond Harbour Wharves can potentially accommodate vehicles over 3,500kg gross laden weight, but each vehicle must be considered on a case-by-case basis and a specific vehicle-to-structure assessment
- Wainui Wharf can accommodate vehicles up to 7,000kg gross laden weight
- Daly's and Little Akaloa Wharves may be appropriate for limited light vehicle use, but each vehicle must be considered on a case-by-case basis and a specific vehicle-to-structure assessment.
- A case-by-case basis and a specific vehicle-to-structure assessment will also evaluate the need for a vehicle to be present on a wharf or jetty and may be granted or refused at the Authorising Officer's discretion.

(B) AUTHORISED VEHICLES ON WHARVES

- (1) No person may drive or park an Authorised Vehicle on a wharf unless that vehicle is actively involved in servicing a business, or servicing any structure or machinery associated with, or forming, part of the wharf.

- (2) No person may leave an Authorised Vehicle unattended on a wharf.

Explanatory note: A wharf is not a parking facility, and is primarily intended for pedestrian use. Vehicle use of wharves is only permitted when a vehicle is actively required for servicing. Permission for the commercial use of a wharf does not infer a right to unlimited vehicle access to the wharf, or an unlimited right to park on the wharf.

- (3) No person may park an Authorised Vehicle on a wharf in such a way as to unreasonably obstruct access to, or the use of, the wharf, including access points from the water.

Explanatory note: Authorised Vehicles must be driven and parked with the utmost care for the facility and for other users of the facility, and any parking should be considerate of other users and not unnecessarily prevent or block access.

- (4) Written permission may be sought from an Authorised Officer for parking vehicles for longer time limits.

- (5) An Authorised Officer may prohibit a person from driving one or more specified vehicles onto a wharf, if, in the opinion of the Authorised Officer, that person has:

- (a) driven or parked in an unsafe manner; or
- (b) breached this bylaw.

- (6) Nothing in this clause applies to an emergency services vehicle in an emergency situation

8. MOORING VESSELS AT WHARVES OR JETTIES

(A) LOCATION, TIME LIMITS AND ATTENDANCE REQUIREMENTS

- (1) No person may moor a vessel to or alongside an access point at Akaroa Wharf, Daly's Wharf, Wainui Wharf or Diamond

Harbour Wharf, other than for the purposes of using that access point for loading and unloading, or maintenance or servicing, of the vessel.

- (2) No person may moor to an access point in clause 8(A)(1) for more than one hour at a time, unless prior written permission has been granted by an Authorised Officer.

Explanatory note: Mooring alongside access points is appropriate while servicing is occurring (loading, unloading, or undertaking maintenance), but once completed, a vessel should be moved to another part of the wharf or jetty, or elsewhere. Wharves and jetties can be in high demand, especially over summer, and use and access should be balanced to allow for both commercial and recreational users.

- (3) No person may moor a vessel to any other part of the wharves listed in clause 8(A)(1) for more than two hours at a time, and must moor the vessel in a position that does not block access points.

- (4) No person may leave a vessel unattended when it is moored to any wharf or jetty, without written permission from an Authorised Officer.

- (5) Written permission may be sought from an Authorised Officer for mooring vessels at any wharf or jetty for longer time limits, including overnight.

Explanatory note: The Council has some berthing areas that are designed for long-term stay and are managed through licencing or leasing agreements (such as Naval Point Marina). Such agreements are a form of written permission under this bylaw.

(B) SIZE OF VESSELS

- (1) Where tidal conditions allow for the mooring of vessels to a wharf or jetty, the following size conditions apply:

- (a) any yacht may be moored, provided it is no more than 15 metres in length; and
 (b) any other vessel may be moored, provided it is no more than 10 metres in length.

- (2) If a vessel is larger than those set out in clause 8(B)(1), prior written permission must be given by an Authorised Officer who has assessed the vessel in relation to the structure of the wharf or jetty.

(C) ADVERSE WEATHER CONDITIONS

- (1) No person may moor a vessel to a wharf or jetty if it may cause damage to the wharf or jetty due to adverse weather conditions.

9. REFUELLING VESSELS FROM FACILITIES

(A) GENERAL REQUIREMENTS FOR REFUELLING A VESSEL FROM A FACILITY

- (1) No person may refuel a vessel from a facility unless all reasonably practicable steps are taken to ensure refuelling:
- (a) is undertaken safely and does not endanger other facility users; and
 (b) does not damage or contaminate the facility.

(B) REFUELLING A COMMERCIAL VESSEL FROM A WHARF

Explanatory note: Commercial refuelling from a public wharf needs to be undertaken with the utmost care, as a wharf is a narrow space with open public access, and fuel presents a serious safety hazard. Commercial refuelling presents a high risk due to the volume of fuel involved and the likely frequency of refuelling.

- (1) No person may undertake the refuelling of a vessel used for commercial purposes from a facility, unless:

- (a) written permission has been given by an Authorised Officer; and
 (b) all risks associated with refuelling have been identified and are effectively managed.

Explanatory note: Refuelling must not occur unless all relevant legislation is adhered to, best practice guidelines are followed, and all equipment is fit for purpose. Legislative requirements include:

- the Health and Safety at Work Act 2015, which requires taking all reasonably practicable steps to eliminate, minimise or manage risk, and places responsibility on the business operator to protect themselves and those that may be affected; and
- an approved Site Marine Oil Spill Contingency Plan (approved by the Harbour Master).

Commercial refuelling will only be permitted at some facilities, and will be considered on a case-by-case basis.

Any application for permission should contain a refuelling plan, setting out how refuelling will occur, and how the requirements in this bylaw will be met. It should identify risks and set out how they will be managed, including how safe access and egress of the facility will be achieved for other facility users.

Businesses operating from the Akaroa Main Wharf should be organised and prepare in advance on cruise ship days and over the peak Christmas and New Year holiday period. Commercial operators should endeavour to plan for refuelling at off-peak times to minimise the risk to other facility users.

Before each refuelling event, a situational risk analysis must be undertaken to ensure that any other (new) risks have been identified and are managed.

10. OBSTRUCTION OF FACILITIES

(A) OBSTRUCTION OF ACCESS TO FACILITIES

- (1) No person may leave any vessel, watercraft, trailer, motor vehicle, or any other thing, in, on or near a facility in such a way as to obstruct the reasonable use of that facility.

Explanatory note: Vehicles and trailers should be parked considerately, safely and legally. Dangerous parking of vehicles may also result in instant fines under parking-related legislation, such as the Land Transport Road User Rule or the Council's Traffic and Parking Bylaw.

(B) STORAGE IN, ON, AROUND OR NEAR FACILITIES

Explanatory note: Some storage facilities are managed via licencing agreements (e.g. dinghy storage sheds, the boat storage compound or club equipment storage). These agreements count as permission under this bylaw. The clauses below cover situations where things are being stored without any discussion with or approval by the Council.

- (1) No person may store any trailer, vessel, watercraft, equipment or any other thing in, on or around a facility in a way that obstructs access, or presents a health and safety issue, without the written permission of an Authorised Officer.

Explanatory note: Ideally, dinghies, kayaks, etc, should be stored on private land. However, in some areas, watercraft have traditionally been stored out of the way on banks or other unused areas near the waterfront, and this has not presented an issue. Whether such storage presents an issue or not will be considered on a case-by-case basis.

A similar clause about storage is contained within the Council's Parks and Reserves Bylaw, and generally applies to reserve

land, greenspace under the Council's control, and the foreshore area and prevents storage for more than seven days without permission.

- (2) Any trailer, vessel, watercraft or any other thing found to be stored in, on or around a facility and causing an obstruction or nuisance may be removed by the Council.

Explanatory note: If a trailer, vessel or any other thing is deemed to be obstructing access to a facility, and the owner does not remove it when asked, the Council may remove it and recover the costs of removing the obstruction from the owner under sections 164-168 of the Local Government Act 2002.

11. CLOSING OR RESTRICTING ACCESS TO FACILITIES

- (1) No person may enter or remain upon a facility where a Council sign indicates that the facility is closed to the public, in whole or in part, temporarily or permanently, without the written permission of an Authorised Officer.

Explanatory note: A facility will be open to the public at all times, except when the Council has determined that it is necessary to temporarily or permanently close the facility, or part of it, and has provided appropriate signage to inform the public of the closure.

- (2) Where a facility is closed to the public, but is undergoing repairs, access is restricted to those involved in undertaking any assessments, repairs or maintenance.

12. DAMAGE TO FACILITIES

- (1) No person may destroy, damage, deface, or otherwise interfere with any facility or part of a facility.

13. FISHING FROM A COUNCIL FACILITY

- (1) When fishing from a facility, a person:
 - (a) must not leave rubbish or fishing-related by-products behind (such as fish guts/scales/bait, fishing line, hooks or other sharp objects, or any other rubbish); and
 - (b) must rinse down the facility with water to remove blood, scales, fish guts or other fishing waste; and
 - (c) must not unreasonably obstruct or prevent access for other people; and
 - (d) must not endanger other people (such as casting without warning, or casting when a facility is busy).

Explanatory note: Fishing needs to take into consideration other users and not unduly obstruct or endanger them, and Council facilities should be left in a good state.

Clause (b) rinsing – can be achieved quickly and easily by using a bottle of water to rinse the surface of the facility.

In addition to breaching this bylaw, a breach of the behaviour set out in this bylaw may also result in penalties under other legislation. For example, leaving rubbish behind may result in an infringement notice (instant fine) issued under the Litter Act 1979. Any combination of failing to comply with the above clauses may result in the Council issuing a trespass notice under the Trespass Act 1980.

Also note that fishing must comply with national recreational fishing rules relating to licences, species, size, quotas, etc.

14. NO FISHING ZONES

- (1) No person may fish from a Council facility where that facility, or part of it, has signage indicating that it is a 'no fishing zone'.
- (2) A temporary no fishing zone may be put in place by an Authorised Officer to protect the facility from damage, to protect health and safety, or to protect against nuisance.
- (3) A permanent no fishing zone may be put in place by Council resolution to protect the facility from damage, to protect health and safety, or to protect against nuisance.

INSERT: At the same time as considering the proposed bylaw, the Council will consider possible new clause wording (or a resolution to be made simultaneously with the new bylaw under the fishing clause above):

- (1) *No person may fish from a Council river facility within the central city area, from where the Avon River crosses under Harper Avenue/Bealey Avenue (where they meet Park Terrace), to where the river flows under Fitzgerald Avenue (at Kilmore Street and Avonside Drive).*

Explanatory note: 'Fish' refers to all fish species present in the river, including eels. This clause applies only to Council facilities (built structures, such as punting landings and steps), and not to the riverbank in its entirety.

15. PERMISSION UNDER THIS BYLAW

- (1) Where this bylaw requires written permission, that permission may be:
 - (a) a permit or licence issued by an Authorised Officer
 - (b) given through a leasing, licencing or other commercial agreement between the Council and another party
 - (c) set out in this bylaw, an explanatory note to this bylaw, or schedule to this bylaw
 - (d) in an electronic form
 - (e) included in a park or reserve management or master plan
 - (f) given by a sign installed by the Council on or at the entrance to a facility
 - (g) given under a different Council bylaw.

Explanatory note: Permission for a commercial activity undertaken in a public place, for example, may be given under the Public Places Bylaw, or if the land is a park or reserve, under the Parks and Reserves Bylaw.
- (2) Any permission may:
 - (i) contain any conditions;
 - (ii) be granted by an Authorised Officer at the Officer's discretion;
 - (iii) include fees;
 - (iv) relate to one or more clauses of this Bylaw.
- (3) The Council may, in its discretion, at any time, review any permission given under this Bylaw.
- (4) Any breach of the conditions of a permission granted under this Bylaw:
 - (a) may result in the permission being withdrawn (in accordance with the Council's General Bylaw); and
 - (b) is a breach of the bylaw.

16. FEES

- (1) The Council may prescribe fees for the use of facilities.
- (2) Any fees will be included in the Council's Annual Plan or Long Term Plan and will be reviewed each year.
- (3) Every person who enters or makes use of any facility is liable to pay any applicable fees relating to that use.
- (4) Failure to pay any applicable fees relating to use is a breach of this bylaw.

17. OFFENCE AND PENALTY

- (1) Every person who breaches this bylaw commits an offence and is liable on conviction to a fine not exceeding \$20,000, as set out in the Local Government Act 2002.

18. CHRISTCHURCH CITY COUNCIL GENERAL BYLAW

- (1) The provisions of the Christchurch City Council General Bylaw and any bylaw passed in amendment or substitution are implied into and form part of this Bylaw.

19. REVOCATIONS AND SAVINGS

- (1) The Christchurch City Council Marine and River Facilities Bylaw 2008 is revoked.
- (2) Any permission, agreement, licence or any other act of authority which originated under the Christchurch City Council Marine and River Facilities Bylaw 2008, or which was continued by that Bylaw, and which is still in force at the commencement of this Bylaw, continues to have full force and effect for the purposes of this Bylaw.
- (3) This Bylaw is implied into and forms part of any permission, agreement, licence or any other act of authority continued by clause 19(2).

Explanatory note: For example, any current licence or commercial approval to operate in relation to a wharf will now include clause 7 (Vehicle controls on all wharves and jetties). Some permissions may need to be updated.
- (4) The revocation of the Christchurch City Council Marine and River Facilities Bylaw 2008 does not prevent any legal proceedings, criminal or civil, being taken to enforce that Bylaw and such proceedings continue to be dealt with and completed as if that Bylaw had not been revoked.

The initial resolution to make this bylaw was passed by the Christchurch City Council at an ordinary meeting of the Council held on 1 June 2017 and was confirmed, following consideration of submissions received during the public consultation process, by a resolution of the Council at a subsequent ordinary meeting of the Council on the [day of month 2017]

FURTHER EXPLANATORY NOTES

Christchurch City Council's district boundaries: The district boundaries of Christchurch City Council extend outward from the land to the line of mean low water springs along the Christchurch coastline. The boundaries were extended from the line of mean high water springs to the line of mean low water springs by two Local Government Boundary Alteration Notices, in 1996 and 1997. The boundaries cross the mouths of all harbours, bays, streams, inlets and estuaries, including Lyttelton and Akaroa Harbours.

Activities occurring on the water: Environment Canterbury (through the Harbour Master) has responsibility for managing activities that occur on the water, specifically those in the navigable inland waters and coastal marine area. Activities on the water are covered by the Navigation Safety Bylaw and Environment Canterbury's Coastal Management Plan.

Note that Environment Canterbury's Navigation Safety Bylaw contains some safety-related restrictions to prohibit fishing, jumping, diving or swimming around landing places (such as wharves) when vessels are manoeuvring nearby. The bylaw also limits activities around commercial wharves, such as Lyttelton Port of Christchurch, without permission from the Port. Nothing in this bylaw applies to (LPC) facilities, land or operational areas, whether open to the public or not.

The Council's district plan also contains some restrictions on motorised craft and speed limits on some inland waterways, many of which relate to erosion protection.

Note that other legislation may apply to activities that take place in, on or around Council marine, river or lake facilities, notably, the Litter Act 1979, the Summary Offences Act 1981 and the Trespass Act 1980.

Note that other Council bylaws may regulate related activities – including the Dog Control Bylaw, the Parks and Reserves Bylaw, the Traffic and Parking Bylaw, the Freedom Camping Bylaw, and the Public Places Bylaw. All Council bylaws can be accessed on the Council's website: www.ccc.govt.nz

Note that there are two marine reserves in the Akaroa Harbour, regulated by the Department of Conservation (DOC): Akaroa Marine Reserve (at the south eastern mouth of Akaroa Harbour); and Pohatu Marine Reserve (Pohatu/Flea Bay).

If fishing from a Council facility, you must comply with all recreational fishing rules.

Submission form

Proposed Marine, River and Lake Facilities Bylaw 2017

haveyoursay

www.ccc.govt.nz/haveyoursay

Please complete the form below or alternatively you can make your submission online at ccc.govt.nz/haveyoursay or email to marine.bylaw@ccc.govt.nz

First name: _____ Last name: _____

Address: _____

Post code: _____

Email address: _____

Hearings

Public hearings will be held.

- I wish to speak at the hearing (*we will contact you by phone once the date, time and location of the hearing has been decided*)

Contact number: _____

Comments

I am completing this submission:

- For myself
 On behalf of a group or organisation

If you are representing a group or organisation, how many people do you represent? _____

Name of organisation: _____

Role within organisation? _____

I / we:

- Support the bylaw
 Generally support the bylaw but have some concerns (please comment)
 Do not support the bylaw

Comments – please be as specific as possible to help us understand your views:

Submissions are public information

Your full name, address and telephone number are required because this information is important for transparency, and for Christchurch City Council's decision-making process. It also means we can update you on progress. Ideally we would like your email address too, if you have one, as this makes it easier for us to stay in touch with you throughout the engagement process. Your submission, including your name and contact details, will be made available to the decision-making body, for example the Community Board, Committee and/or Council, to help them make an informed decision. Submissions with names but without contact details, are made available online once the Council agenda goes live on the Council website. If requested, Council is legally required to make all written and/or electronic submissions available to the public, including the name and contact details of the submitter, subject to the provisions of the Local Government Official Information and Meetings Act 1987. If you believe there are compelling reasons why your contact details and/or submission should be kept confidential, please contact the Council's Engagement Manager on (03) 941 8999 or 0800 800 169 (Banks Peninsula residents).

Fold all pages of the form with the replied paid portion on the outside, seal and return by 5pm on Sunday 6 August 2017. You may attach extra paper if you wish but please ensure the folded postal item is no thicker than 6mm. Alternatively, you may place your submission in an envelope and address it using "Freeport Authority No. 178, Marine, River and Lake Facilities Bylaw consultation, Christchurch City Council, PO Box 73013, Christchurch 8154" or hand deliver it to the Civic Offices at 53 Hereford Street.

Thank you for making a submission.

fold

fold

fold

fold

FREEPOST Authority No.178



Proposed Marine, River and Lake Facilities Bylaw 2017

Christchurch City Council

PO Box 73013

Christchurch 8154

tape here

tape here

